

CHAPTER NO. 434

SENATE BILL NO. 2098

By Burchett, Crowe, Burks

Substituted for: House Bill No. 2207

By Harry Brooks, Bunch

AN ACT to amend Tennessee Code Annotated, Section 10-7-504, relative to confidential student records under the Public Records Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by deleting subsection (a)(4)(B)--(F) in their entirety and substituting instead the following:

(B) Notwithstanding the provisions of subdivision (A) to the contrary, unless otherwise prohibited by the federal Family Educational Rights and Privacy Act (FERPA), an institution of post-secondary education shall disclose to an alleged victim of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime or offense with respect to such crime or offense.

(C) Notwithstanding the provisions of subdivision (A) to the contrary, unless otherwise prohibited by the federal Family Educational Rights and Privacy Act (FERPA), an institution of post-secondary education shall disclose the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.

(D) For the purpose of this section, the final results of any disciplinary proceeding:

(i) Shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student;

(ii) May include the name of any other student, such as a victim or witness, only with the written consent of that other student; and

(iii) Shall only apply to disciplinary hearings in which the final results were reached on or after October 7, 1998.

(E) Notwithstanding the provisions of subdivision (A) to the contrary, unless otherwise prohibited by the federal Family Educational Rights and Privacy Act (FERPA), an educational institution shall disclose information provided to the institution under § 40-

39-106, concerning registered sex offenders who are required to register under § 40-39-103.

(F) Notwithstanding the provisions of subdivision (A) to the contrary, unless otherwise prohibited by the federal Family Educational Rights and Privacy Act (FERPA), an institution of higher education shall disclose to a parent or legal guardian of a student information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if:

(i) The student is under the age of twenty-one (21);

(ii) The institution determines that the student has committed a disciplinary violation with respect to such use or possession;

(iii) The final determination that the student committed such a disciplinary violation was reached on or after October 7, 1998.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: March 1, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 12th day of March 2004


PHIL BREDESEN, GOVERNOR